

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-6439-6]

**Agency Information Collection Activities: Proposed Collection; Comment Request; Trade Secret Claims for Emergency Planning and Community Right-to-Know (EPCRA Section 322)****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Trade Secret Claims for Emergency Planning and Community Right-to-Know (EPCRA Section 322) EPA ICR Number 1428.05. This ICR renews a previously approved ICR No. 1428.04 (expires March 31, 2000, OMB Control Number 2050-0078). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

**DATES:** Comments must be submitted on or before November 16, 1999.

**FOR FURTHER INFORMATION CONTACT:** Interested persons may obtain a copy of the ICR without charge by contacting Sicy Jacob, Chemical Emergency Preparedness and Prevention Office, SW, Washington DC 20460, 202-260-7249, fax no. 202-260-0927, or e-mail: [Jacob.Sicy@epamail.epa.gov](mailto:Jacob.Sicy@epamail.epa.gov).

**SUPPLEMENTARY INFORMATION:**

**Affected entities:** Entities potentially affected by this action are those who wish to file a claim of trade secrecy of reporting requirements under Section 322 of EPCRA. Entities may include chemical manufacturers, non-chemical manufacturers, petroleum refineries, etc.

**Title:** Trade Secret Claims for Emergency Planning and Community Right-to-Know (EPCRA Section 322), EPA ICR Number 1428.05.

**Abstract:** This information collection request pertains to trade secrecy claims submitted under Section 322 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). EPCRA contains provisions requiring facilities to report to State and local authorities, and EPA, the presence and release of extremely hazardous substances (described in Sections 302 and 304), inventory of hazardous chemicals (described in Sections 311 and 312) and manufacture, process and

use of toxic chemicals (described in Section 313). Section 322 of EPCRA allows a facility to withhold the specific chemical identity from these EPCRA reports if the facility asserts a claim of trade secrecy for that chemical identity. The provision establishes the requirements and procedures that facilities must follow to request trade secrecy treatment of chemical identities, as well as the procedures for submitting public petitions to the Agency for review of the "sufficiency" of trade secrecy claims.

Trade secrecy protection is provided for specific chemical identities contained in reports submitted under each of the following EPCRA sections: (1) 303(d)(2)—Facility notification of changes that have or are about to occur, (2) 303(d)(3)—Local Emergency Planning Committee (LEPC) requests for facility information develop or implement emergency plans, (3) 311—Material Safety Data Sheets (MSDSs) submitted by facilities, or lists of those chemicals submitted in place of the MSDSs, (4) 312—Tier II emergency and hazardous chemical inventory forms, and (5) 313—Toxic chemical release inventory forms.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 9.9 hours per claim. The total annual burden for the respondents is 3,121 hours at a cost of

\$190,280. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: September 10, 1999.

**Jim Makris,**

*Director, Chemical Emergency Preparedness and Prevention Office.*

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**ENVIRONMENTAL PROTECTION AGENCY**

[PF-890; FRL-6098-3]

**Notice of Filing a Pesticide Petition to Establish a Tolerance for Certain Pesticide Chemicals in or on Food**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of certain pesticide chemicals in or on various food commodities.

**DATES:** Comments, identified by docket control number PF-890, must be received on or before October 1, 1999.

**ADDRESSES:** Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the "SUPPLEMENTARY INFORMATION" section. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF-890 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** By mail: Jim Tompkins, Registration Support Branch, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 305-5697; and e-mail address: [tompkins.jim@epa.gov](mailto:tompkins.jim@epa.gov).